

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:09-cr-00039-W**

THIS MATTER is before the Court on the Government’s Motion to Dismiss (Doc. No. 342) the filing by Defendant entitled “Affidavit of Notice of Conditional Acceptance in the Nature of a Writ of Discovery” (Doc. No. 335). In support of its motion to dismiss, the Government argues that Defendant’s filing is frivolous and irrelevant to the criminal proceedings at bar. The Court agrees.

Defendant's filing is not only frivolous, but also is not based on any cognizable legal argument or principle of law. This Court further finds that the aforementioned filing has absolutely no bearing whatsoever on the issues raised in the Superceding Indictment or the jury's verdict found at the trial of this matter.

IT IS, THEREFORE ORDERED that the Government's motion (Doc. No. 342) is GRANTED and Defendant's filing (Doc. No. 335) shall be DISMISSED as frivolous. Because Defendant's filing is already part of the docket, the Court hereby orders Document Number 335 to be SEALED and available only to Defendant Michael Greene and the Government.

IT IS SO ORDERED.

Signed: February 22, 2010

Frank D. Whitney
Frank D. Whitney
United States District Judge